

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:18-CV-61

ALLSCRIPTS HEALTHCARE, LLC
As Successor to ECLIPSYS
CORPORATION,

Plaintiff,

v.

THE CHILDREN'S HOSPITAL
CORPORATION d/b/a CHILDREN'S
HOSPITAL OF BOSTON,

Defendant.

NOTICE OF REMOVAL

TO: The United States District Court
For the Eastern District of North Carolina

Defendant The Children's Hospital Corporation d/b/a Boston Children's Hospital ("Boston Children's Hospital"), incorrectly denominated as The Children's Hospital Corporation d/b/a Children's Hospital of Boston, through its undersigned counsel, does hereby exercise its rights under the provisions of Title 28 U.S.C. § 1441 et seq., to remove this action from the General Court of Justice, Superior Court Division, Wake County, North Carolina, in which this cause is now pending as Case No. 17 CVS 15547. Defendant shows unto the Court as follows:

1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction pursuant to Title 28 U.S.C. § 1332 in that complete diversity of citizenship existed at the time of the filing of this action and still exists as between the Plaintiff on the one hand and the Defendant on the other, and, on information and belief, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. Under the provisions of 28 U.S.C. § 1441 et seq., the right exists to remove this cause from the General Court of Justice, Superior Court Division, Wake County, North Carolina, to the United States District Court for the Eastern District of North Carolina, which is the District where this action is pending.

3. In its Complaint, Plaintiff asserts claims against the Defendant sounding in breach of contract, quantum meruit/quantum valebant, and account stated. Plaintiff seeks to recover damages for the alleged breach to include \$133,055.60, attorneys' fees, and interest.

4. Upon information and belief, Plaintiff is now, and was at the commencement of this action, a limited liability company organized and existing under the laws of the state of North Carolina with its principal place of business in Raleigh, North Carolina. Upon information and belief, all of the members of the limited liability company are citizens and/or residents of North Carolina.

5. Defendant Boston Children's Hospital is now, and was at the commencement of this action, a charitable corporation organized and existing under the laws of the State of Massachusetts with a principal place of business in Boston, Massachusetts.

6. The date on or before which Defendant is required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to Plaintiff's Complaint has not lapsed.

7. In accordance with the requirements of Title 28 U.S.C. § 1446, Defendant is attaching hereto a copy of all process, pleadings, and orders served upon it in this action (attached as Exhibit A – Summons; Exhibit B – Complaint), and this Notice of Removal is being filed within thirty (30) days after the receipt by Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based.

8. Service of this Notice of Removal is being made upon on all parties as required by law.

9. Promptly after filing this Notice of Removal, Defendant will serve upon the Plaintiff and file with the Clerk of Superior Court of Wake County, as required by law, a “Notice of Filing of Notice of Removal” in the form attached as Exhibit C.

WHEREFORE, Defendant prays that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court.

This the 15th day of February, 2018.

YOUNG, MOORE, AND HENDERSON P.A.

BY: /s/ David A. Senter, Jr.
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the party shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said party.

This the 15th day of February, 2018.

YOUNG, MOORE, AND HENDERSON P.A.

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